

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FELY P. MABUTAS, }
vs. } Plaintiff, } Case No. 2:11-cv-01771-JCM-PAL
MORTGAGE ELECTRONIC REGISTRATION }
SYSTEMS, INC., et al., }
Defendants. } **ORDER**
(Substitution of Counsel - Dkt. #18)

This matter is before the court on a Substitution of Attorneys (Dkt. #18). It seeks to substitute Jay Earl Smith in the place and stead of Michelle L. Valier as attorney for Defendant U.S. Bank National Association as Trustee for JP Morgan Mortgage Acquisition Trust 2006-HE3, Asset Backed Pass-Through Certificates, Series 2006-HE3 in this matter. LR IA 10-6(c) requires that any stipulation to substitute attorneys shall be by leave of court and shall bear the signature of the attorneys and the client represented. It provides that the signature of an attorney to substitute into a case “constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or in any court order.” LR IA 10-6(d) also provides that the substitution of an attorney “shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in this case.” This case was removed on November 3, 2011. There is currently a Motion to Dismiss (Dkt. #19) and a Motion to Certify a Question to the Nevada Supreme Court (Dkt. #26) pending.

Accordingly,

IT IS ORDERED that Defendant U.S. Bank National Association as Trustee for JP Morgan Mortgage Acquisition Trust 2006-HE3, Asset Backed Pass-Through Certificates, Series 2006-HE3's

1 request to substitute Jay Earl Smith in the place and stead of Michelle L. Valier is GRANTED, subject
2 to the provisions of LR IA 10-6(c) and (d).

3 Dated this 23rd day of December, 2011.

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6 PEGGY A. LEEN
7 UNITED STATES MAGISTRATE JUDGE
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